

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

**McCARTHY BUILDING COMPANIES, INC.,**

*Plaintiff,*

**v.**

**TPE VIRGINIA LAND HOLDINGS, LLC, *et al.*,**

*Defendants.*

**CASE NO.: 4:20-cv-00057-TTC**

**JOINT MOTION TO AMEND COURT'S SCHEDULING ORDER**

Plaintiff, McCarthy Building Companies, Inc., Defendants, TPE Virginia Land Holdings, LLC and TPE Kentucky Solar, LLC, and Third-Party Defendants WGL Energy Systems, Inc. and WGSW, Inc. (collectively, the "Parties"), by and through their respective counsel, move this Court to amend the Court's Amended Scheduling Order [Dkt. Nos. 31, 45]. In support of this Motion, the Parties show the following:

1. On February 1, 2021, this Court granted the parties' joint motion to amend the Court's scheduling order, and amended the scheduling order as follows:

- A. The number of depositions permitted under Rule 30(a) will be reduced to 8.
- B. Plaintiff's Initial Expert Disclosure due on April 1, 2021
- C. Defendants' Initial Expert Disclosure due on April 29, 2021
- D. Rebuttal Expert Disclosures due on May 27, 2021

2. On March 9, 2021, the Court granted Defendant TPE Virginia Land Holdings, LLC's Motion to Dismiss Plaintiff's Amended Complaint, and provided that Plaintiff McCarthy Building Companies, LLC, may file an amended complaint [Dkt. No. 52].

3. Plaintiff McCarthy Building Companies subsequently filed a Second Amended Complaint on March 23, 2021 [Dkt. No. 56].

4. While the parties have been engaging in cooperative discovery, discovery is not complete.

5. Accordingly, the parties jointly request the following adjustments to the Amended Scheduling Order:

- A. Plaintiff's Initial Expert Disclosure due on April 22, 2021
- B. Defendants' Initial Expert Disclosure due on May 20, 2021
- C. Rebuttal Expert Disclosures due on June 3, 2021

The Parties have developed a joint discovery plan that will allow them to comply with the remaining deadlines set forth in the Scheduling Order; however, should any other adjustments become necessary, for good cause, any of the parties may seek leave of Court seeking adjustment of the deadlines set forth in the Scheduling Order.

Neither the Court nor any of the Parties will be prejudiced by the changes to the Scheduling Order. This Motion is not being presented for any improper purpose or to unnecessarily delay these proceedings.

WHEREFORE, Plaintiff, McCarthy Building Companies, Inc., and Defendants, TPE Virginia Land Holdings, LLC and TPE Kentuck Solar, LLC, and Third-Party Defendants WGL Energy Systems, Inc. and WGSW, Inc. respectfully request the Court to grant the Parties' request to amend the Court's Scheduling Order and enter the proposed Order attached hereto.

Respectfully submitted,

**MCCARTHY BUILDING COMPANIES, INC.**

/s/ Anna T. Birkenheier

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**TPE VIRGINIA LAND HOLDINGS, LLC**

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**WGL ENERGY SYSTEMS, INC. AND WGSW,  
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/s/

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31<sup>st</sup> day of March, 2021, I caused a copy of the foregoing Joint Motion to Amend Court's Scheduling Order, and proposed order to be served via the U.S. District Court, Western District of Virginia's electronic filing system, which will provide notice to counsel for the defendants:

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